IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Bail Appl..No. 183 of 2007()

ST.1558/2006 of J.M.F.C.,PALA

.....

: PETITIONERS/ACCUSED:

M.C. SUKUMARAN,
MULAMKUZHI HOUSE, MALLAPALLY EAST,
THIRUVALLA, PATHANAMTHITTA.

BY ADV. SRI.S.RAMESH BABU

RESPONDENTS: STATE OF KERALA & COMPLAINANT:

---

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SHRI JOSEPH,
PUTHENPURAYIL HOUSE, KIZHAPURAYARU P.O.,
PUVARANNI VILLAGE, PALAI, KOTTAYAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No.183/07

DATED: 9th January, 2007

O R D E R

Petitioner who is the accused in S.T. No. 1558/06 of on the file of the Judicial First Class Magistrate, Pala, for an offence punishable under Sec. 138 of the N.I.Act, seeks anticipatory bail.

2. According to the petitioner he is working in the Police Department and during the year 2003 he was posted in the SBCID, Kottayam and during the year 2004 he was posted at Mattancherry and from June onwards he is working in the Crime Detachment Cell at Kannur and on account of the same summons issued to him from the Court did not reach him. While so, non-bailable warrants of arrest are issued against him even without the service of summons. Hence this application for anticipatory bail.

3. Admittedly, non-bailable warrantS of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. But at the same time, having regard to the nature of employment of the petitioner, I am of the view that he can be granted bail unless there is contibutious contumacious conduct on the part of the petitioner to avoid appearance before court. Accordingly, the petitioner is directed to surrender before the J.F.C.M., Pala, and file an application for regular bail within one week from today. If such an application is filed, the petitioner shall be released on bail on his executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount

to the satisfaction of the Magistrate and subject to such conditions which the Magistrate may fix and the said conditions may include one for prompt appearance of the petitioner before court on all the dates of postings of the case for trial.

This application is disposed of as above.

V.RAMKUMAR,
JUDGE.

ani/-